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10 United States of America

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
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14 UNITED STATES OF AMERICA, the
PEOPLE OF THE STATE OF CALIFORNIA,
15 *ex rel.* CALIFORNIA AIR RESOURCES
BOARD, and NORTH COAST UNIFIED AIR
16 QUALITY MANAGEMENT DISTRICT,

17 Plaintiffs,

18 vs.

19 EVERGREEN PULP, INC.,

20 Defendant.
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Case No. C 07 05067 SBA

JOINT CASE MANAGEMENT STATEMENT

Date: January 10, 2008
Time: 4:00 p.m.
Ctrm: Telephonic:
Judge: Hon. Sandra B. Armstrong

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18 Attorneys for Defendant
19 Evergreen Pulp, Inc.

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1 Plaintiffs United States of America, the People of the State of California *ex rel.* California
 2 Air Resources Board, and the North Coast Unified Air Quality Management District (collectively
 3 "Plaintiffs"), and Defendant Evergreen Pulp, Inc. ("Evergreen"), hereby present this Joint Case
 4 Management Statement. Because the parties have agreed to settle the claims alleged in the
 5 Complaint through a Consent Decree that is the subject of a pending request for approval, this
 6 Joint Case Management Statement is relatively brief.

7 DESCRIPTION OF THE CASE

8 1. A Brief Description of the Events Underlying the Action. Evergreen owns and,
 9 since early 2005, has operated the pulp mill located on the Samoa peninsula near Eureka,
 10 California. At the mill, Evergreen utilizes chemical processes to convert wood chips into pulp,
 11 which is used to make paper and paperboard products. Evergreen's operations are subject to
 12 regulation under federal, state and local statutes and rules regarding emissions to the atmosphere.

13 On October 2, 2007, Plaintiffs filed the Complaint herein against Evergreen pursuant to
 14 Section 113 of the Clean Air Act, 42 U.S.C. § 7413, California Health & Safety Code § 42403,
 15 and North Coast Unified Air Quality Management District Rule 105. The Complaint alleges
 16 violations of certain federal, state and local rules and regulations regarding emissions to the
 17 atmosphere, principally with respect to emissions from two pieces of process equipment at the
 18 mill, namely the smelt dissolver and the lime kiln. On the same date, Plaintiffs lodged a Consent
 19 Decree that, if approved and entered as the judgment of the Court in this case, would resolve the
 20 claims alleged in the Complaint. The Consent Decree contained an acknowledgement that
 21 Evergreen denies any liability to the Plaintiffs arising out of the transactions or occurrences
 22 alleged in the Complaint.

23 On December 13, 2007, after receiving and responding to public comment on the proposed
 24 Consent Decree, the Plaintiffs filed a Request to Enter Consent Decree. Evergreen has not
 25 opposed that request, which is pending as of the date of this Statement.

26 2. The principal factual issues which the parties dispute: The Parties' agreement to the
 27 Consent Decree, subject to the Court's approval thereof, obviates the necessity of resolving
 28 disputed factual issues.

3. The principal legal issues which the parties dispute: The Parties' agreement to the Consent Decree, subject to the Court's approval thereof, obviates the necessity of resolving disputed legal issues.

4. The other factual issues [e.g., service of process, personal jurisdiction, subject matter jurisdiction, or venue] which remain unresolved for the reasons stated below and how the parties propose to resolve those issues: None/not applicable.

5. The parties which have not been served and the reasons: None/not applicable.

6. The additional parties which the below-specified parties intend to join and the intended time frame for such joinder: None/not applicable.

7. The following parties consent to assignment of this case to a United States Magistrate Judge for [court or jury] trial: None.

ALTERNATIVE DISPUTE RESOLUTION

8. The parties have not filed a Stipulation and Proposed Order Selecting an ADR process. In light of the settlement of this action through the proposed Consent Decree, the Parties do not request additional ADR proceedings or assistance at this time.

9. Please indicate any other information regarding ADR process or deadline: Not applicable.

DISCLOSURES

10. The parties certify that they have made the following disclosures [list disclosures of persons, documents, damage computations and insurance agreements]: In light of the settlement of this action through the proposed Consent Decree, the Parties have refrained to date from making Initial Disclosures pursuant to FRCP 26(a).

DISCOVERY

11. The parties agree to the following discovery plan [Describe the plan e.g., any limitation on the number, duration or subject matter for various kinds of discovery; discovery from experts; deadlines for completing discovery]: In light of the resolution of this action through the proposed Consent Decree, the Parties do not intend to conduct discovery.

TRIAL SCHEDULE

12. The parties request a trial date as follows: In light of the resolution of this action through the proposed Consent Decree, the Parties do not request a trial date.

13. The parties expect that the trial will last for the following number of days: Not applicable.

Dated: January 3, 2008

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
DAVID D. COOKE

By: /s/ David D. Cooke

DAVID D. COOKE
Attorneys for Defendant
Evergreen Pulp, Inc.

Dated: January 3, 2008

RONALD J. TENPAS
Assistant Attorney General
Environment & Natural Resources Division
United States Department of Justice

By: /s/ Ann C. Hurley

ANN C. HURLEY
Attorneys for Plaintiff
United States of America

Dated: January 3, 2008

OFFICE OF THE CALIFORNIA ATTORNEY
GENERAL
EDWIN G. BROWN, JR.
Attorney General of the State of California

MARY HACKENBRACHT
Assistant Attorney General

By: /s/ Anita E. Ruud

ANITA E. RUUD
Attorneys for Plaintiff
California Air Resources Board

1 Dated: January 3, 2008

LAW OFFICES OF NANCY DIAMOND
NANCY DIAMOND

3 By: /s/ Nancy Diamond

4 NANCY DIAMOND
5 Attorneys for Plaintiff
North Coast Unified Air Quality
Management District

6 Attestation Regarding Signature: This document is being filed electronically under my
7 User ID and Password. Pursuant to General Order 45, Section X.B, I hereby attest that
8 concurrence in this filing of this document has been obtained from each of the other signatories to
9 this document.

10 I declare under penalty of perjury under the laws of the United States that the foregoing is
11 true and correct. Executed January 3, 2008 in San Francisco, California.

13 /s/ David D. Cooke
14 David D. Cooke

CASE MANAGEMENT ORDER

[To be supplied as appropriate.]

Dated: _____

Honorable Sandra B. Armstrong
United States District Judge

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